



City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

MEMORANDUM

DATE: January 17, 2014
TO: Councilmember Mike O'Brien, Chair, Planning, Land Use & Sustainability Committee
FROM: Bill Mills, Senior Land Use Planner
RE: Cleanup Amendments - Regulations for Environmentally Critical Areas

The Department of Planning and Development (DPD) is responsible for periodic maintenance of land use regulations, including the Regulations for Environmentally Critical Areas in SMC Chapter 25.09. The proposed legislation is a collection of amendments that are relatively small in scale, and have a limited scope of impact. These amendments correct typographical errors, fix section references, and clarify existing code language. The proposal addresses minor amendments collected since the last comprehensive amendments in the spring of 2006 (Ordinance 122050). Following are highlights from this proposed legislation:

- Amends both SMC Chapters 25.06 and 25.09 to clarify that the current standards for floodplain development apply to federally mapped floodplains as well as all flood-prone hazard areas.
- Clarifies current exemptions as follows: a) if DPD determines that property is not within a critical area or buffer, then development on the property is exempt from critical areas regulations; b) if certain public projects, such as utility relocation, are exempt from critical areas regulations, then tree and vegetation removal associated with these projects is also exempt; and c) minor site investigation such as soil borings is exempt from site disturbance standards.
- For wetlands regulations: a) specifically make regulation of runoff subject to the Stormwater Code; b) clarify that any action detrimental to habitat, trees or vegetation, not just removal or clearing, is prohibited; and c) clarify that wetland avoidance and mitigation standards are only subject to waiver or modification by applying for an exception from critical areas regulations.
- Clarifies that vegetation management on steep slopes and steep slope buffers, including vegetation removal and replacement, is not "development," which will promote vegetation restoration as well as prevent later argument that a site on which vegetation restoration occurred is eligible for exemption from steep slope development standards as a "previously developed site."
- Amends critical areas conditional use regulations to more clearly state existing intent that, if criteria are met, the following is allowed: a) counting of critical areas in the calculation of minimum lot size for subdivision; and b) smaller than required lot sizes or yards, and more than one dwelling unit per lot.
- Creates a separate critical areas exception process for a public facility or public utility.

The amendments will make the Regulations for Environmentally Critical Areas clearer and easier to use while maintaining or improving environmental protections. More specific information about all proposed amendments is found in the DPD Director's Report accompanying the proposed legislation. Thank you for considering this legislation. I am available to answer any questions you may have.



City of Seattle, Department of Planning and Development

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